

1 VILLAGE OF ESTERO, FLORIDA

2
3 ORDINANCE NO. 2016 - 12

4
5 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
6 VILLAGE OF ESTERO, FLORIDA, AUTHORIZING LEE
7 COUNTY TO LEVY SPECIAL ASSESSMENTS WITHIN
8 VILLAGE BOUNDARIES FOR MUNICIPAL SOLID
9 WASTE DISPOSAL PURSUANT TO §125.01(1)(Q),
10 FLORIDA STATUTES; PROVIDING FOR CONFLICTS
11 OF LAW, SEVERABILITY, AND SCRIVENER'S
12 ERRORS; AND PROVIDING AN EFFECTIVE DATE.

13
14 WHEREAS, the Village Council is the governing body in and for the Village of
15 Estero; and

16
17 WHEREAS, on September 7, 2016, the Village and Lee County, Florida, acting by
18 and through its Board of County Commissioners, entered into an *Agreement for Municipal*
19 *Solid Waste Collection, Billing, Customer Services and Disposal* (hereinafter "CBD
20 Agreement") and *Agreement for A Municipal Solid Waste Disposal Facilities Assessment*
21 (hereinafter the "MSW Assessment Agreement"; and

22
23 WHEREAS, pursuant to the CBD Agreement, the County provides the Village with
24 solid waste collection, billing and disposal services for newly constructed residential and
25 multi-family units, including prefabricated units, and disposal for commercial buildings
26 within the Village limits; and

27
28 WHEREAS, pursuant to the MSW Agreement, the County and Village agreed to the
29 establishment of Municipal Solid Waste Disposal Facilities Assessment (hereinafter the
30 "Program") to provide a mechanism for payment of certain costs for the disposal of
31 municipal solid waste through the County's Solid Waste and Resource Recovery System; and

32
33 WHEREAS, pursuant to Section IV, B, 1, of the MSW Assessment Agreement and
34 Section 125.01(1)(q), Florida Statutes, the Village hereby consents to, ratifies, and authorizes
35 the County to levy the special assessments within Village boundaries under the Program
36 outlined in the above referenced agreements.

37
38 NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero,
39 Florida:

40
41 **Section 1. Authorization.**

42
43 Pursuant to § 125.01(1)(q), Florida Statutes, the Village hereby consents to, ratifies,
44 and authorizes Lee County to levy the special assessments within Village boundaries under the
45 Program.

46 The authority hereby authorized shall be exercised in accordance with the terms of the
47 Agreements referenced above and shall be for the term of the Agreement beginning on
48 December X, 2015 until September 30, 2020.
49

50 **Section 2. Severability.**
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52 If any part, section, subsection, or other portion of this Ordinance or any application
53 thereof to any person or circumstance is declared void, unconstitutional or invalid for any
54 reason, such part, section, subsection, or other portion of the prescribed application thereof,
55 shall be severable, and the remaining provisions of this Ordinance, and all applications thereof
56 not having been declared void, unconstitutional or invalid, shall remain in full force and effect.
57 The Village declares that no invalid or prescribed provision or application was an inducement
58 to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless
59 of the invalid or prescribed provision application.
60

61 **Section 3. Scrivener's Errors.**
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63 Sections of this Ordinance may be renumbered or relettered, and typographical errors
64 which do not affect the intent may be authorized by the Village Manager, or the Village
65 Manager's designee, without need of Public Hearing, by filing a corrected or recodified copy
66 of same with the Village Clerk.
67

68 **Section 4. Conflict of Law.**
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70 In the event that any provision in this Ordinance is found to be contrary to any other
71 existing Village Ordinance covering the same subject matter, then in said event the more
72 restrictive shall apply.
73

74 **Section 5. Effective Date.**
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76 This ordinance shall take effect immediately upon adoption.
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78 **PASSED** on first reading this 7th day of September, 2016.
79

80 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
81 Florida this 21st day of September, 2016.
82

83 Attest:

VILLAGE OF ESTERO, FLORIDA

84
85
86 By: _____
87 Kathy Hall, MMC, Village Clerk
88
89
90

By: _____
Nicholas Batos, Mayor

91 Reviewed for legal sufficiency:
92
93
94 By: _____
95 Burt Saunders, Esq., Village Attorney
96
97
98 Vote: AYE NAY
99 Mayor Batos _____
100 Vice Mayor Levitan _____
101 Councilmember Boesch _____
102 Councilmember Brown _____
103 Councilmember Errington _____
104 Councilmember Ribble _____
105 Councilmember Wilson _____